

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: JAMES DONALD LACEY
AKA: JAMES LACEY, JAMES D. LACEY

CHAPTER 13

Debtor(s)

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-22-02207-MJC

vs.
JAMES DONALD LACEY
AKA: JAMES LACEY, JAMES D. LACEY

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on July 17, 2023, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on May 17, 2023.
2. A hearing was held and an Order was entered on June 29, 2023 directing that an amended plan be filed within fourteen (14) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire
Id: 47613
Attorney for Movant
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
Suite A, 8125 Adams Drive
Hummelstown, PA 17036
Phone: 717-566-6097
email: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
Courtroom #2
197 S. Main Street
Wilkes Barre, PA

Date: August 10, 2023

Time: 10:00 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Date: July 17, 2023

/s/ Agatha R. McHale, Esquire
Id: 47613
Attorney for Trustee
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on July 17, 2023, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served electronically

TULLIO DeLUCA, ESQUIRE
381 N 9TH AVENUE
SCRANTON, PA 18504

UNITED STATES TRUSTEE
1501 NORTH 6TH STREET
BOX 302
HARRISBURG, PA 17102

Served by 1st Class Mail

JAMES DONALD LACEY
444 EAST MAIN STREET
NANTICOKE, PA 18634

I certify under penalty of perjury that the foregoing is true and correct.

Date: July 17, 2023

/s/ Vickie Williams

Office of Standing Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.